

JOHN R. ANDERSON

IBLA 81-726

Decided August 25, 1981

Appeal from decision of Arizona State Office, Bureau of Land Management, requiring acceptance of a wilderness protection stipulation as a condition precedent to issuance of oil and gas leases. A 15198, A 15199, A 15200, A 15201, A 15202, A 15203, A 15213, and A 15214.

Affirmed.

1. Oil and Gas Leases: Generally -- Oil and Gas Leases: Stipulations -- Secretary of the Interior

The Secretary of the Interior may require an oil and gas lease applicant to accept stipulations reasonably designed to protect environmental and other land use values as a condition precedent to the issuance of a lease. Where the recommendations to impose stipulations on the lease are based on the need to protect the wilderness characteristics of the land pending a study as required by sec. 603 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1782 (1976), the special stipulations are not unreasonable, per se.

APPEARANCES: John R. Anderson, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

John R. Anderson appeals a decision of the Arizona State Office, Bureau of Land Management (BLM), issued May 6, 1981, which required the acceptance of special stipulations concerning the roadless areas of

5,000 or more acres invaded by the oil and gas lease applications, A 15198 through A 15203, and A 15213 and A 15214. Section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. § 1782 (1976), requires the Secretary to review such roadless areas as to their wilderness characteristics and possible preservation as wilderness.

Appellant requests that the wilderness stipulations not be required at this time, contending that the wilderness protection stipulation does not convey clear title to appellant; that he might be required to pay rental on land which may never be available to oil and gas operations because of the wilderness potential, and that any work done under the criteria of the stipulation must be of a temporary nature with the work to be terminated should the lands be found to possess wilderness characteristics. Finally, appellant contends that no prudent oil and gas operator would conduct an exploratory program in an area where oil and gas may not be able to be produced even if it is discovered in commercial quantities.

In its decision, BLM stated that

[d]uring the review period and until such a time as a determination is made, the lands are to be managed according to the Secretary's authority under [FLPMA] and other applicable laws, in a manner so as not to impair the suitability of such areas for preservation as wilderness, subject, however, to the continuation of existing mining and grazing uses and mineral leasing, provided that in managing the public lands the Secretary shall by regulations or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection.

Accordingly, BLM ordered that the stipulations be completed so that oil and gas activity would continue while at the same time the mandate of Congress to study and protect the wilderness values could be accomplished.

Given the dual responsibilities of BLM, allowing oil and gas activity to continue yet protecting wilderness values, the demand that the wilderness protection stipulation be accepted is not unreasonable. See Diane B. Katz, 47 IBLA 177 (1980).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed. Appellant will be allowed 20 days from receipt of this decision to file the required stipulations with BLM,

failing in which the subject lease offers will be rejected as to all lands for which the wilderness stipulation has been required.

Douglas E. Henriques
Administrative Judge

We concur:

Bernard V. Parrette
Chief Administrative Judge

James L. Burski
Administrative Judge

